

REMARKS

Applicants express appreciation to the Examiner for the courtesy of the interview granted to applicants' representative Marc A. Sockol (Reg. No. 40,823) on Thursday, August 12, 2005. The substance of the interview is summarized in the subsequent Examiner's Interview Summary.

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the objections and rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 1, 3 – 14, 16 – 27, 29 – 36, 38 - 53, 55 – 66 and 68 - 80 are presented for examination.

In Paragraph 1.1 of the Office Action, the Examiner indicated that the amended claim limitations constitute new matter.

In Paragraph 2 of the Office Action, claims 1, 3 – 14, 16 – 27, 29 – 36, 38 - 53, 55 – 66 and 68 - 80 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In his Interview Summary, the Examiner indicated that this rejection will be withdrawn upon receiving a formal response to the Office Action indicating that the "without" limitation is inherent in the specification. Per your request, the formal response is provided hereinbelow.

Specifically, the Examiner indicated that the limitation of "*after instruction to copy pixel data from the video RAM is received, recognizing individual pixel locations as having protected or unprotected pixel datum based on least significant bits of the pixel datum without comparison to a template of pixel locations*" is not supported by the disclosure.

Applicant respectfully submits that the function of recognizing individual pixel locations as having protected or unprotected pixel datum is performed by pixel processor 450 of FIG. 4 and pixel processor 570 of FIG. 5. These pixel processors receive as input pixel data from the video RAM that has already been marked, and identify pixel locations as being protected or unprotected according to the markings. This limitation is supported in the original disclosure, inter alia at the following locations:

- Page 14, lines 3 – 5: "*When marked pixel data is copied from the video RAM, the present invention preferably uses the marking to identify protected pixel data.*"

- Page 20, lines 19 – 21: “Pixel processor 450 identifies pixels that are marked, and replaces them with substitute pixel data ...”
- Page 20, line 39 – page 21, line 1: “... portions of its pixels may be interpreted by pixel processor 450 as being marked and other portions may be interpreted as being unmarked.”
- Page 21, line 40 – page 22, line 4: “The captured data is passed through pixel processor 570. Since the pixel data in frame buffer 520 is marked, pixel processor 570 can distinguish between protected pixel data and unprotected pixel data. For example, pixel processor 570 can examine the bits that were set by filter 550, as described with reference to Figure 6 hereinbelow.” Applicant notes that examination of the bits that were set by filter 550 clearly does not involve comparison to a template of pixel locations.
- Page 23, lines 1 – 9: “... pixel processor 570 (Figure 5) reads the least significant bit of the blue color component of each pixel datum, to determine if the pixel datum is protected or non-protected. If the least significant bit of the blue color component is set to 0, the pixel datum is protected ... If the least significant bit of the blue color component is set to 1, the pixel datum is not protected ...” Again, applicant notes that reading the least significant bit of the blue color component clearly does not involve comparison to a template of pixel locations.
- Element 450 of FIG. 4.
- Element 570 of FIG. 5.

Regarding the specific limitation of “without comparison to a template of pixel locations”, Applicant respectfully submits that the application as originally filed describes systems and methods that determine whether data is protected or not based on the value of the least significant bits of the data. Such described systems inherently avoid template comparison as described in the Murphy reference. Accordingly, applicant respectfully submits that the limitation of “without comparison to a template of pixel locations” is inherent in the described embodiments in the specification and does not constitute new matter. See MPEP §2163.07(a).


The two claim limitations of (i) modification, or marking, and (ii) recognition, or identification, correspond respectively to filter 445 and pixel processor 450 of FIG. 4. They also correspond respectively to filter 550 and pixel processor 570 of FIG. 5. In Paragraph 2.1 of the Office Action, the Examiner cited page 12, line 35 – page 13, line 5 of the disclosure in arguing lack of support for the recognition limitation. However, the location cited refers to the modification limitation.

Applicant incorporates the arguments regarding 35 USC § 103 provided in the response to the previous office action, since these arguments were not considered due to the new matter rejection.

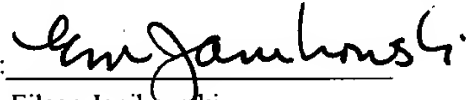
For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
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